

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

MOONIES MF, LLC

Debtor.

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CASE NO: 24-10434

MOTION OF DEBTOR TO DISMISS CASE

TO THE HONORABLE SCOTT W. EVERETT, U.S. BANKRUPTCY JUDGE:

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

Moonies MF, LLC, debtor and debtor in possession (“Moonies” or the “Debtor”) file this *Motion of Debtor to Dismiss Case* (the “Motion to Dismiss”) and in support thereof would show the Court the following.

1. On April 25, 2024, (the “Petition Date”) Debtor commenced the underlying bankruptcy case (the “Bankruptcy Case”) by the filing of a voluntary Chapter 11 petition.

2. The Debtor entered this case with two operating restaurant locations, one of which is or was at 1651 Loop 332, Unit 115, Liberty Hill, Texas with Main St. Social LLC (“Main St.”) which lease is the subject of one or more entered orders in this case which resolved a dispute between the parties and resulted in a settlement payment of \$35,000 to the Debtor.

3. The other lease is for the restaurant located at 109 N. Highway 183, Leander, TX 78641 under a lease Texas Realtors form of Commercial Lease dated March 28, 2022 (the “Lease”) with Christian Soto Cruz, individually (“Cruz”).

4. From the \$35,000 settlement payment from Main St., the Debtor remitted \$18,000 to WKPZ as a partial payment of the retainer due to WKPZ, paid Cruz \$8,500, and used the remaining \$7,500 for ordinary course operational expenses.

5. On July 30, 2024, the Court entered an order rejecting the Lease with Cruz as of July 31, 2024.

6. The Debtor has no ongoing business operations following rejection of the Cruz lease.

7. The Debtor possess no other assets of the estate which would result in a recovery to creditors.

8. The Debtor would show that no purpose would exist by the continuation of this case in any form.

9. Accordingly, pursuant to Code § 1112, Debtor seeks to dismiss this case.

WHEREFORE, Moonies MF, LLC, the debtor, respectfully requests that the Court enter an order granting the Motion to Dismiss this case as set forth in the accompanying proposed order. Debtor respectfully requests that the Court grant to Debtor such other and further relief to which Debtor is entitled at law or in equity.

Dated: August 21, 2024

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

JEFF CARRUTH (TX SBN: 24001846)

2608 Hibernia, Suite 105

Dallas, TX 75204-2514

Telephone: (713) 341-1158

Fax: (713) 961-5341

E-mail: jcarruth@wkpz.com

ATTORNEYS FOR
MOONIES MF, LLC,
DEBTOR AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on August 21, 2024 (1) by electronic notice to all ECF users who have appeared in this case to date, and/or as set forth below and (2) by regular mail to all parties appearing in the attached service list.

COPIES OF THE EXHIBITS WERE NOT SERVED BY REGULAR MAIL. PLEASE CONTACT THE UNDERSIGNED IF YOU WISH TO RECEIVE THE EXHIBITS.

/s/ Jeff Carruth

Jeff Carruth

ECF NOTICE LIST

24-10434-smr Notice will be electronically mailed to:

Steven B. Bass on behalf of Creditor Small Business Administration

Steven.Bass@usdoj.gov, tina.travieso@usdoj.gov

Lynn Hamilton Butler on behalf of Creditor Main Street Social, LLC

lynn.butler@huschblackwell.com,

penny.keller@huschblackwell.com; christine.deacon@huschblackwell.com; elizabeth-spivey-5378@ecf.pacerpro.com; lynn-hamilton-butler-2113@ecf.pacerpro.com

Jeff Carruth on behalf of Creditor Main Street Social, LLC

jcarruth@wkpz.com, jcarruth@aol.com; ATTY_CARRUTH@bluestylus.com; jcarruth@ecf.courtdrive.com

Jeff Carruth on behalf of Debtor Moonies MF, LLC

jcarruth@wkpz.com, jcarruth@aol.com; ATTY_CARRUTH@bluestylus.com; jcarruth@ecf.courtdrive.com

Brian C. Guequierre on behalf of Creditor Stuart Ward

bcglaw@gmail.com, jubilee.bcglaw@gmail.com

Jessica Lanoue Hanzlik on behalf of U.S. Trustee United States Trustee - AU12

Jessica.L.Hanzlik@usdoj.gov, omar.e.jones@usdoj.gov; adrian.duran@usdoj.gov

John P. Henry on behalf of Debtor Moonies MF, LLC

jhenry@jhenrylaw.com, johnhenry4579@gmail.com

Julie A. Parsons on behalf of Creditor Burnet Central Appraisal District

jparsons@mvbalaw.com, vcovington@mvbalaw.com; kalexander@mvbalaw.com; julie.parsons@ecf.courtdrive.com

Julie A. Parsons on behalf of Creditor The County of Williamson, Texas

jparsons@mvbalaw.com, vcovington@mvbalaw.com; kalexander@mvbalaw.com; julie.parsons@ecf.courtdrive.com

B. Weldon Ponder, Jr. on behalf of Creditor Christian Soto Cruz

welpon@austin.rr.com, wponder3@austin.rr.com; weldonponder@gmail.com

John Mark Stern on behalf of Creditor Texas Comptroller of Public Accounts, Revenue Accounting Division

bk-jstern@oag.texas.gov, sherri.simpson@oag.texas.gov

Eric Terry

eric@ericterrylaw.com, ebterry@ecf.axosfs.com

Eric Terry on behalf of Trustee Eric Terry

eric@ericterrylaw.com, ebterry@ecf.axosfs.com

United States Trustee - AU12

ustpregion07.au.ecf@usdoj.gov

REGULAR MAIL LIST

1	A	B	C	D	E	F	G	H	I
2	SERVICE LIST	Case No. 24-10434	In re: MooniesMF, LLC			UPDATED:		7/24/2024	
3	C:\Users\jcaruth\ND Office Echo\VAULT-CSSL72TY\Moonies - service list 4870-8803-1941 v.6.xlsx Sheet1								
4	Name	Address1	Address2	Address3	City	State	Zip	Email	Method of Service / Comment
5	Moonies MF, LLC	3500 Hamlet Cove			Round Rock	TX	78664-5133		Regular Mail
6	U.S. Bankruptcy Court	903 San Jacinto	Suite 322		Austin	TX	78701-2450		Regular Mail
7	Burnet Central Appraisal District	C/O McCreary Veselka Bragg Allen	PO Box 169		Round Rock	TX	78680-1259	parsons@mybalaw.com, julie.parsons@mybalaw.com	NOA/ECF
8	Bill Me Later Inc.	PO Box 208703			Dallas	TX	75320	bankruptcy@swiftcapital.com	Regular Mail
9	Bluevine inc.	c/o Weinstein & Riley, P.X.	1415 Western Ave	Suite 700	Seattle	WA	98101	hr@mail@w-buyl.com	Regular Mail
10	Capital One	PO Box 60519			City Of Industry	CA	91716-0519		Regular Mail
11	Celtic Bank	288 S State St #300			Salt Lake City	UT	84111-5314		Regular Mail
12	Jpmorgan Chase Bank N.A.	Bankruptcy Mail Intake Team	700 Kansas Lane	Floor 01	Minneapolis	IA	71203-4774		Regular Mail
13	Christian Soto Cruz	501 S. Buffalo St.			Cedar Park	TX	78613-3117		NOA/ECF
14	Christian Soto Cruz	c/o S Weldon Ponder Jr.	4408 Spicewood Springs Road		Austin	TX	78759	weldon@austin.rr.com	NOA/ECF
15	Cintas	PO Box 650838			Dallas	TX	75265-0838		Regular Mail
16	City Of Austin	Austin Energy	Attn: Collections Department	4815 Mueller Blvd	Austin	TX	78773-3573		Regular Mail
17	City Of Marble Falls	800 3rd Street			Marble Falls	TX	78654-5742		Regular Mail
18	Craco, inc.	3500 Hamlet Cove			Round Rock	TX	78664-5133		Regular Mail
19	Craig Cohen	3500 Hamlet Cove			Round Rock	TX	78664-5133		Regular Mail
20	David Bragg	P. O. Box 2047			Bastrop	TX	78602-9047		Regular Mail
21	Ecolab	P. O. Box 70343			Chicago	IL	60673-0343		Regular Mail
22	Heartland Payment Systems	One Heartland Way			Jeffersonville	IN	47130-5870		Regular Mail
23	J.P. Morgan Chase Bank, N.A.	PO Box 9013			Addison	TX	75001	poquestions@nbadeaultservices.com	Regular Mail
24	Main Street Social, LLC	1651 Loop 332			Liberty Hill	TX	78642-2362		Regular Mail
25	Main Street Social, LLC	C/O Lynn Hamilton Butler	311 Congress Avenue	Suite 1400	Austin	TX	78701-4093	lynn.butler@huschblackwell.com	NOA/ECF
26	Marlin Business Bank	PO Box 1626			Mount Laurel	NJ	08054-7626		Regular Mail
27	Marlin Capital Solutions	300 Fellowship Blvd.			Mount Laurel	TX	08054-1203		Regular Mail
28	Moonies Holdings, LLC	3500 Hamlet Cove			Round Rock	TX	78664-5133		Regular Mail
29	National Funding, Inc.	4380 La Jolla Village Drive			San Diego	TX	92123-1200	zahrath@nationalfunding.com	Regular Mail
30	Pawnee Leasing Corporation	Attn: Sandi Carr	3801 Automation Way	Ste 207	Fort Collins	CO	80575-5735	bankruptcy@pawnealeasing.com	Regular Mail
31	Porsche Central Austin	9800 Research Blvd.			Austin	TX	78759-5979		Regular Mail
32	Texas Comptroller Of Public Accounts	Revenue Acct Div - Bk Section	PO Box 13528		Austin	TX	78711-3528	bk-istcm@oag.texas.gov, sherril.simpson@oag.texas.gov	NOA/ECF
33	The County Of Williamson, Texas	C/O McCreary Veselka Bragg Allen	P.O. Box 1269		Round Rock	TX	78680-1269	parsons@mybalaw.com, julie.parsons@mybalaw.com	NOA/ECF
34	U.S. Small Business Administration	2120 Riverfront Drive	Suite 100		Little Rock	AR	72202-1794		Regular Mail
35	U.S. Small Business Administration	c/o Steven B Bass						steven.bass@usdoj.gov, tina.travieso@usdoj.gov	NOA/ECF
36	U.S. Small Business Administration	Attn: Kelle S. Acord - Dist. Counsel	515 E Houston St., Ste. 298		San Antonio	TX	78205	kelle.acord@sba.gov	Regular Mail
37	US Foods	PO Box 841587			Dallas	TX	75284-1587		Regular Mail
38	United States Trustee - Aus12	903 San Jacinto Blvd	Suite 230		Austin	TX	78701-2450		Regular Mail
39	U.S. Trustee	c/o Jessica Lanoue Handlik						Jessica.L.Handlik@usdoj.gov;omar.e.jones@usdoj.gov;adrian.duran@usdoj.gov	NOA/ECF
40	Ward Ventures, LLC	3500 Hamlet Cove			Round Rock	TX	78664-5133		Regular Mail
41	Stuart and Keris Ward	134 Ocean Rd			Chappaqua	NY	10511-3121	ward.ventures@gmail.com	Regular Mail
42	Webbank	215 State St	Suite 1000		Salt Lake City	UT	84111-2386		Regular Mail
43	Whitestone REIT	Attn: Made Setiawan	2600 S. Gessner, Suite 500		Houston	TX	77063		Regular Mail
44	Eric Terry	Eric Terry Law, PLLC	3511 Broadway		San Antonio	TX	78209-5513	eric@ericterrylaw.com	NOA/ECF
45	John P. Henry	John Henry & Associates PLLC	407 West Liberty Avenue		Round Rock	TX	78664-5127	jhenry@henrylaw.com	NOA/ECF

PROPOSED FINAL ORDER

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

MOONIES MF, LLC

Debtor.

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CASE NO: 24-10434

**ORDER GRANTING MOTION OF DEBTOR TO DISMISS CASE (RE:
DOCKET NO. 94)**

On this day came on for consideration the *Motion of Debtor to Dismiss Case* (Docket No. 94) (the “Motion to Dismiss”) filed herein on August 21, 2024 by Moonies MF, LLC, debtor and debtor in possession (“Moonies” or the “Debtor”). The Court finds and concludes that upon review of the record of this case that sufficient notice was provided in accordance with the Federal Rules of Bankruptcy Procedures and/or the Local Bankruptcy Rules (the “Rules”), no objections or requests for a hearing were filed or otherwise received within the time period specified under the Rules, and with respect to the Motion that cause exists to grant the relief requested therein.

IT IS THEREFORE ORDERED THAT:

1. The Motion to Dismiss is granted as set forth herein.
2. All capitalized terms shall have the same meaning as ascribed to such terms in the Motion, unless otherwise defined herein.
3. This case is hereby dismissed effective immediately upon entry of this Order.

END OF ORDER

Submitted by:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

JEFF CARRUTH (TX SBN: 24001846)

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ATTORNEYS FOR

MOONIES MF, LLC,

DEBTOR AND DEBTOR IN POSSESSION